

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 15-50521

CAROL MARTENS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

This case is before the Court on a motion filed on August 11, 2015 by Debtor, entitled "Debtor's Motion to Extend the Automatic Stay Beyond 30 Days Pursuant to 11 U.S.C. § 362[(c)](3)(B)" (Docket # 18, the "Motion"). The Court must deny the Motion, because it was not timely filed, and was filed too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, L.B.R. 4001-5(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within 7 days after the bankruptcy petition is filed. L.B.R. 4001-5(a) provides further:

When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within 7 days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law.

Debtor filed her voluntary petition for relief under Chapter 13 in this case on July 13, 2015. Debtor did not file her Motion until August 11, 2015, which was 22 days after the deadline to file such a motion expired under L.B.R. 4001-5(a), and only one day before the 30-day hearing deadline expired on August 12, 2015. Because it is now impossible to schedule and conclude a hearing on Debtors' Motion within the required 30-day period, and give adequate notice of that hearing to creditors, the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 18), is denied.

Signed on August 12, 2015

/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**